

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**TUESDAY
JUNE 19, 2012
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

MEETING NOTES

PRESENT:

JOE GILLIS, CHAIRMAN
FRAN REED, TREASURER
WILLIAM SULLIVAN, MEMBER
ARLENE M. SITTERLY, MEMBER
JOSEPH SEMIONE, MEMBER
JAMES MRAZ, IDA EXECUTIVE DIRECTOR
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH, P.C.
MIKE REESE, PRESIDENT, FULTON COUNTY CENTER FOR REGIONAL GROWTH
LEADER HERALD

I. MINUTES FROM MARCH 23, 2012 MEETING:

MOTION : Accept as presented.
MADE BY : Joe Semione
SECONDED : Fran Reed
VOTE : Unanimous

II. BUDGET REPORT:

MOTION : Accept as presented.
MADE BY : Arlene Sitterly
SECONDED : Fran Reed
VOTE : Unanimous

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- No report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. 1988 Incubator Building Project in Crossroads Industrial Park:

- No new information to report.

B. Tryon Technology Park and Incubator Center Project:

1. Status Report:

a) ESD Grant:

- 1) ESD has awarded Fulton County a \$2.0 million grant.
- 2) Grant will pay for planning, design and engineering work and the construction of new water and sewer lines and a new section of road.
- 3) Fulton County will be hiring C.T. Male to perform the planning, design and engineering work.

b) Agreement between the IDA, NYSOGS and ESD:

1) Background:

- Final draft of Agreement between IDA, NYSOGS and ESD has been prepared.
- The execution of this Agreement would initiate a process that would lead to the former Tryon Campus being deeded over to the IDA.

2) IDA Obligations under Agreement:

- Perform Phase I Environmental Site Assessment including asbestos testing.
- Perform Title Search.
- Provide ALTA Owner's Title Insurance Policy

3) Sources of Funding to complete IDA's Obligations:

- Performing these work tasks will result in certain expenditures by the IDA.
- IDA's 2012 Budget has \$15,000 allocated for Regional Business Park Project. It is recommended that funds be reallocated to the Tryon Technology Park and Incubator Center Project.

4) Phase I Environmental Site Assessment (ESA):

a) Scope of Work:

1. Collect and review existing information from NYSOGS and NYS Office of Children and Family Services (OCFS) regarding previous and existing environmental hazards or conditions at the former Tryon Campus.
2. Submit FOIL request to NYSDEC requesting records regarding potential and actual environmental hazards or conditions at the former Tryon Campus.
3. Perform a site reconnaissance, including a walkthrough of the site, buildings and site grounds, to identify areas of potential environmental concern;
4. Interview site representatives knowledgeable of current and former site operations;
5. Review municipal property records and information provided by local governmental agencies including a review of existing information provided by the NYS Office of General Services and NYS Office of Children and Family Services and information provided by the NYSDEC through the Freedom of Information Law (FOIL);
6. Review historical information and documents;
7. Review federal and state agency database information for the subject property and neighboring properties to identify potential concerns that could adversely affect the environmental condition of the property.
8. Prepare a Phase 1 ESA Report in accordance with EPA standards and ASTM standard E1527-05. Submit five (5) hard copies and one electronic version of the final ESA Report to the IDA
9. The Scope of Work does not include testing for:
 - Radon.
 - Lead in Drinking Water
 - Lead Based Paint
 - Industrial Hygiene
 - Indoor Air Quality
 - Mold

b) Engineering Firm:

- C.T. Male Associates

c) Schedule:

- The Phase I ESA would be completed in approximately six weeks.
- Work would not start until after Agreement with New York State was signed.

d) Fee:

\$2,000: Not-to-Exceed

IDA DISCUSSION: Jim Mraz reviewed the information in the Agenda regarding the Agreement between the IDA and the NYS Office of General Services and Empire State Development, as well as the Empire State Development's Grant to Fulton County. He explained to IDA Board members that there are two (2) separate agreements currently associated with the Tryon Project. The first is the Grant Agreement between Empire State and the Fulton County Board of Supervisors. This Agreement will provide funds for Fulton County to hire C.T. Male to prepare the engineering plans for the construction project. The Grant would also be used to pay for the cost of the construction work that will be done at Tryon, which includes installing new water and sewer lines as well as constructing a new section of road. The second agreement is the one between the IDA, Office of General Services and Empire State Development. This Agreement does not involve Fulton County like the Grant Agreement does. This Agreement, in and of itself, will not result in the transfer of title to Tryon to the IDA. The execution of the Agreement will result in the startup of a process that would ultimately lead to title being transferred. The actual transfer of title of the property would occur when a deed is executed transferring title of Tryon over to the IDA.

Jim Mraz reviewed the three (3) obligations the IDA would have under the Agreement between it and the NYS Office of General Services and Empire State Development. He stated that the Phase I Environmental Site Assessment Report is a document that would serve two (2) purposes. The first would be to provide an assurance to the IDA that taking title to the former Tryon Campus would not include assuming responsibility for some environmental condition or hazard that may exist on the property. Secondly, the availability of this report would be useful to the IDA in the future when it attempts to sell a parcel of land to a business. The business would want to have a Phase I Environmental Site Assessment Report completed to provide assurances to the business that it would not be buying a parcel of land that does not have some environmental hazard or contamination on it. Jim Mraz stated that it is proposed for the IDA to hire C.T. Male to prepare this Phase I Environmental Site Assessment Report. He stated C.T. Male is being recommended because they are the firm that the Fulton County Board of Supervisors will be hiring as part of the \$2 million grant to prepare design plans and specifications for the construction project the County will be undertaking. Bill Sullivan asked if C.T. Male will have full access to the grounds to perform its work. Jim Mraz stated, "Yes." Joe Gillis asked how long it would take for C.T. Male to complete its work. Jim Mraz stated C.T. Male estimated it would take approximately six (6) weeks.

Jim Mraz stated that the IDA's 2012 Budget contains \$15,000 for the Regional Business Park Project. He recommended that the IDA Board redirect these funds for use for either the Regional Business Park or Tryon Technology Park Project. It was the unanimous consensus of all IDA members present to allow for this \$15,000 be used for the Tryon Technology Park Project.

IDA ACTION

MOTION: To authorize the Chairman to execute an Agreement with C.T. Male to prepare a Phase I Environmental Site Assessment at a cost to not exceed \$2,000 with these funds to come from the \$15,000 budgeted for the Regional Business Park Project.

MADE BY: William Sullivan
SECONDED: Joseph Semione
VOTE: Unanimous

5) Asbestos Testing:

a) Scope of Work:

- Testing needs to be conducted to verify what asbestos containing materials exist in buildings at the former Tryon Campus.
- Conduct a site visit, enter building spaces and document evidence of asbestos containing materials (ACM) in the following forms:
 - i. Sprayed or trowelled on surfacing materials.
 - ii. Insulation on pipes, boiler, ducts;
 - iii. Miscellaneous forms of ACM such as wallboard, ceiling tiles, floor tiles, fireproofing board.
 - iv. Roofing, siding and other exterior materials.
- Collect limited bulk samples of building materials suspected of containing asbestos per NYSDOL Code Rule 56. Samples will be analyzed by a NYS Environmental Laboratory Approval Program (ELAP) approved laboratory to determine asbestos form, type and content. Materials containing asbestos content of more than 1% shall be identified as asbestos containing.
- The NYSDOL and EPA now require two (2) samples of homogeneous miscellaneous materials (i.e. roofing, flooring, mastics, caulking, plasters, TSI, etc.) to be collected and analyzed to confirm a negative result.
- Only one (1) sample is needed if the test shows the material contains asbestos.
- Prepare and submit a Report documenting the sampling results.

b) Firm:

- C.T. Male

c) Schedule:

- Work would not start until after Agreement with New York State was signed.

d) Fee:

- \$7,000
- This is an estimate only. Total fee could vary depending upon the number of tests that actually need to be done.

IDA DISCUSSION: Jim Mraz stated that the IDA has received a proposal from C.T. Male to perform asbestos testing in the various buildings at Tryon. He stated it was difficult to determine how many different samples of materials may need to be tested and how many actual tests will have to be performed for the purposes of developing a price quote for the IDA to review. He stated that in discussions with C.T. Male, it was agreed to propose the \$7,000 figure as a ballpark estimate for what the cost would be. The final cost would not exceed \$7,000 and may be less depending upon the actual number of materials that have to be sampled and the costs of performing the tests on those samples.

IDA ACTION

MOTION: To authorize the Chairman to execute an Agreement with C.T. Male in the amount not to exceed \$7,000 with these funds to come from the \$15,000 budgeted for the Regional Business Park Project.

MADE BY: Fran Reed
SECONDED: Arlene Sitterly
VOTE: Unanimous

6) Title Search and ALTA Title Policy:

a) Scope of Work:

- Perform title search and prepare Title Report.
- Provide ALTA Title Policy.

b) Firm:

Carol's Abstracting Services, Inc., Johnstown, NY

c) Fees:

Title Search and Title Report	:	\$ 600
ALTA Title Policy (\$1,000,000*)	:	\$4,094 (Based upon estimated land value of \$1,000,000)

*Final value of policy and final cost will be based upon appraised value of land.

IDA DISCUSSION: Jim Mraz stated that proposals were received from several firms to perform this work. Carol's Abstracting Services of Johnstown, New York was the lowest price proposal. He stated that the final cost for the ALTA Title Policy will be dependent upon what the final dollar value of the policy will be. At present, this has not yet been confirmed with New York State. Once that number is confirmed, the final cost can be calculated.

IDA ACTION

MOTION: To authorize the Chairman to execute an Agreement with Carol's Abstracting Services, Inc. to perform a Title Search and provide an ALTA Owner's Policy in an amount to not exceed \$4,694 with these funds to come from the \$15,000 budgeted for the Regional Business Park Project.

MADE BY: Arlene Sitterly
SECONDED: Joseph Semione
VOTE: Unanimous

C. Marck Recycling:

1. Status Report:

- At March 23, 2012 meeting, IDA members authorized the Chairman to execute a corrected deed that would add five (5) additional years to the provision in the Purchase and Sales Agreement and to stipulate that Marck Recycling be responsible for paying for the IDA's legal costs and filing fees for this transaction.
- On May 22, 2012, the executed corrected deed was filed in the County Clerk's Office.
- Marck has paid the IDA Attorney's costs.

V. NEW BUSINESS:

A. CG Roxane Water Bottling Plant Project:

1. Background:

- IDA has received a Project Application from CG Roxane, LLC of San Francisco, CA.
- Application Fee has been submitted.
- CG Roxane, LLC (CG Roxane is a family-owned company that was founded in 1990. The Company is headquartered at 55 Francisco Street, Suite 410, San Francisco, California. CG Roxane is majority owned and controlled by a family that has been bottling water and other beverages in Europe for over 50 years.
- CG Roxane currently owns and operates six (6) water bottling plants in the United States located at:
 1. Moultonborough, NH
 2. Salem, South Carolina
 3. Benton, Tennessee
 4. Norman, Arkansas
 5. Mt. Shasta, California
 6. Olancho Peak, California

2. Project Description:

- CG Roxane proposes a 2-phase project to build and operate a spring water bottling plant on an approximately 72- acre parcel of land (Tax Parcel #146.-1-31) located at 325 Watershed Road in the Town of Johnstown, Fulton County.
- Phase 1 will include a 176,757 square foot (SF) building, two (2) operational production lines, one (1) future production line, access roadways, car and truck parking, stormwater management facilities and the redevelopment of Old Sweet Road. One production line will produce 0.5 liter bottles and the second production line will produce 1 gallon bottles.
- Total project cost is estimated to be over \$25 million.
- In Phase I, the Plant would initially operate with two (2) production lines operating with two (2) shifts. As demand for water grows, a third shift would be added. If demand continues to grow, Phase II would be pursued.
- Phase II would include the startup of a third production line to produce .5 liter bottles and the construction of a 65,545 sf addition for additional warehouse space.

- The following tables identify the number of bottles of water that will be produced at the Plant:

1. Phase I:

Size	Bottles/Hour	Bottles/Shift	Bottles/2 Shifts	Bottles/3 Shifts
0.5 liter	57,000	456,000	912,388	1,368,000
1.0 gallon	7,600	60,800	121,600	182,400
Total	64,600	516,800	1,033,988	1,550,400

2. Phase II:

Size	Bottles/Hour	Bottles/3 Shifts
0.5 liter	57,024	1,369,582
1.0 gallon	7,600	121,600

- Total projected employment in Year 1 is 33.
 - CG Roxane has received a Site Plan Review Approval from the Town of Johnstown Planning Board.
3. SEQR:
- A Coordinated SEQR review was conducted by the Town of Johnstown Planning Board.
 - A Negative Declaration has been issued and filed.
4. Project Structure:
- CG Roxane's Application requests that CG Roxane enter into a straight lease arrangement with the IDA.
 - The IDA would take title to the land and improvements on the land and then enter into a Lease Agreement with CG Roxane to lease the land and improvements back to the Company to operate.
 - No IDA financing is being requested.
5. Administrative Fee:
- As a straight lease project, the IDA's Fee Schedule calls for the Applicant to pay an Administrative Fee to the IDA.
 - Administrative Fee is .25% of the total expenditures that will be subject to Sales Tax Exemption.
 - Application for Tax Exemption estimates total expenditures that would be subject to sales tax to be \$8,250,000.
 - Total Fee: \$20,625
 - CG Roxane has requested that payment of this Application Fee be deferred until July 30, 2013.

IDA DISCUSSION: Jim Mraz stated that the IDA Fee Policy calls for CG Roxane to pay an Administrative Fee. The fee is calculated at .25% of the total estimated expenditures that would be subject to the sales tax exemption. He stated that CG Roxane has asked that the payment of the fee be deferred until July 30, 2013. There was a brief discussion regarding this request. A proposal was made to have CG Roxane pay half the fee at closing and half deferred until July 30, 2013. Joe Semione asked how this would be enforced. Jim Mraz stated it would have to be incorporated into the Lease and PILOT

Agreements. Kara Lais stated that it would be identified as one of the basis for default that would trigger the IDA's ability to terminate the Lease and PILOT Agreements.

IDA ACTION

MOTION: To approve having CG Roxane pay 50% of the \$20,625 Administrative Fee at closing and the other 50% by July 30, 2013.

MADE BY: Bill Sullivan
SECONDED: Joseph Semione
VOTE: Unanimous

IDA DISCUSSION: Subsequent to the vote, an alternate proposal was made to have CG Roxane either pay the full fee upfront or pay the fee on July 30, 2013 with a 4% penalty. A motion was made by Bill Sullivan and Seconded by Joe Semione to offer that proposal to CG Roxane. The vote was 3 in favor and 2 abstentions. As a result, the motion did not pass because it did not receive the four (4) required votes for a motion to pass.

6. Application for Tax Exemption:

- a. Background:
 - CG Roxane has filed, as part of the Project Application, an Application for Tax Exemption.
 - The Application requests two (2) Tax Exemptions:
 - 1) 485-b Real Estate Tax Exemption.
 - 2) Sales Tax Exemption.
 - No Mortgage Recording Tax Exemption is being requested because there will be no mortgage on the property.
- b. Requirements of Section 859-a of General Municipal Law:
 - The IDA must adopt a resolution describing the project and the financial assistance that the IDA is contemplating with respect to the project. The assistance shall be consistent with the IDA's uniform tax exemption policy unless the IDA has followed the procedures for deviation from such policy.
 - The IDA must hold a public hearing with respect to the project and the proposed financial assistance being contemplated. The public hearing must be held in a city, town or village where the project will be located in. At said public hearing, interested parties shall be provided reasonable opportunity, both orally and in writing to present their views with respect to the project.
 - The IDA must give at least ten (10) days published notice of said public hearing and shall, at the same time, provide notice of such hearing to the chief executive officer of each affected tax jurisdiction within which the project is located. The notice of hearing must state the time and place of the hearing, contain a general, functional description of the project, describe the prospective location of the project, identify the initial owner, operator or manager of the project and generally describe the financial assistance contemplated by the IDA with respect to the project.

- c. Public Hearing:
 - The value of the tax exemptions requested by CG Roxane exceed \$100,000.
 - As a result, the IDA must schedule and conduct a public hearing.
 - The public hearing will be on Wednesday, July 11, 2012 at 4:00 p.m. in Town of Johnstown Town Hall.
 - See Resolution: Handout

IDA DISCUSSION: Jim Mraz reviewed the Site Plan for the CG Roxane Project. He provided IDA members with a description of the project components. IDA members had received the Project Application prior to the meeting. Jim Mraz asked if there were any questions regarding the information in the Project Application. There were no questions.

IDA members reviewed the Application for Tax Exemption as submitted by CG Roxane. Jim Mraz stated that the Application requests two (2) tax exemptions: Real Property Tax Exemption and Sales Tax Exemption. He stated that the Real Property Tax Exemption requested was based on 485-b of the Real Property Tax Law, which provides a 50% exemption in Year 1 and the exemption decreases 5% a year over ten (10) years. He stated CG Roxane could have obtained the 485-b Tax Exemption without applying for it through the IDA. He stated this tax exemption is available to all eligible commercial or industrial businesses by simply filing an application with the local assessor. He stated that CG Roxane could have obtained the same tax exemption through the Town of Johnstown. He stated the Sales Tax Exemption is the one that CG Roxane can only obtain through involvement of the IDA.

After completing their review of the Application for Tax Exemption, IDA members had no questions regarding the tax exemptions being requested or the projected number of jobs proposed to be created as part of this project. It was the unanimous consensus of all IDA members present that the tax exemptions being requested were consistent with the IDA's Uniform Tax Exemption Policy.

Jim Mraz stated that since the application requests tax exemptions exceeding \$100,000, the IDA must schedule and hold a public hearing. He stated this would be the same process followed as in previous projects. Jim Mraz referenced the resolution that was attached to the Agenda that would authorize the scheduling the public hearing. The resolution would schedule the public hearing for Wednesday, July 11th, at 4 p.m., in the Town of Johnstown Town Hall.

IDA ACTION

MOTION:	To adopt a Resolution to schedule a public hearing relating to the CG Roxane, LLC Project.
MADE BY:	Fran Reed
SECONDED:	Arlene Sitterly
VOTE:	Unanimous

RESOLUTION TO SCHEDULE A PUBLIC HEARING RELATING TO THE CG ROXANE LLC PROJECT

WHEREAS, CG Roxane, LLC (the "Company") has applied to the Agency for (i) the acquisition of an interest a 72.32+/- acre parcel of land located in the Town of Johnstown, New York, in the County of Fulton, State of New York (the "Land"), (ii) the construction of a 176,757+/- square foot manufacturing facility for bottling spring water products and a 65,545 +/- square foot manufacturing facility for bottling spring water products (collectively referred to as the "Facility") and (iii) the acquisition and installation

therein of certain equipment (the "Equipment" and together with the Land and the Facility, the "Project Facility") to be used in connection with the contemplated uses, and (iv) to lease the facility to the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York and Section 895-c of the General Municipal Law (collectively, the "Act"); and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an IDA must (a) adopt a resolution describing the project and the financial assistance contemplated by the IDA with respect thereto, and (b) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project, which may include: a sales tax abatement during the construction of the Facility, which shall be consistent with the uniform tax exemption policy of the Agency and a payment in lieu of taxes.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby schedules a public hearing pursuant to Article 18-A of the New York State General Municipal Law (the "Law") to be held by the Agency on the IIth day of July, 2012, at 4:00 pm, local time, at the Johnstown Town Hall located at 2753 Route 29, Johnstown, New York, in connection with the Proposed Project.
2. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Proposed Project and in accordance with the Law and the Agency's policies and procedures.
3. This resolution shall take effect immediately.

7. Project Number:

- IDA is required to establish a 9-character Project Code for each project in accordance with the guidelines established by the State Comptroller.
- **Project Code: 1701-12-01-A**

8. Next Steps:

- Advertise Public Hearing.
- Hold Public Hearing.
- Approve Preliminary Agreement.
- Designate Project Operator and approve filing of ST-60 form for Sales Tax Exemption.
- Adopt Closing Resolution.
- Execute documents:
 - Lease
 - PILOT
 - Bill of Sale
 - Deed
 - Sales Tax Exemption Certificate
 - Other

B. EPIMED:

1. Background:

- EPIMED opened in 2001.
- EPIMED projected to create 45-50 new jobs.
- EPIMED is currently employing over 80.
- IDA owns the building and leases it to STAG. STAG subleases it to EPIMED.

2. Issue:

- The Company's growth has resulted in a need for additional parking.
- EPIMED and STAG have not been able to reach an Agreement to have additional parking provided for on the lot their building is currently located on.

3. Proposal:

- EPIMED leases a small parcel of land from the IDA upon which EPIMED constructs a new parking lot to accommodate its needs.
- Review map showing alternate locations.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda regarding EPIMED. He reviewed a drawing showing the existing EPIMED building and parking. The drawing also showed two (2) options available for constructing some additional parking for EPIMED. One option was to have the parking lot located immediately adjacent to the existing building, while the other option would be to construct a new parking lot on the other side of the street. Joe Gillis asked what would happen if a company came in and wanted to buy the property upon which the parking lot was located. Jim Mraz stated that he spoke to EPIMED regarding this. He stated the lease that the IDA would enter into with EPIMED would stipulate that if the IDA received an offer to purchase the lot upon which the parking lot would be situated, the lease would be terminated and the lot would be sold to the company wanting to buy it. A question was then asked in that situation, should EPIMED be required to remove the parking lot. After a brief discussion, IDA members agreed that the parking lot could remain for potential reuse. There was a question on how long the lease term would be. Jim Mraz stated it would be for the same term that EPIMED's existing sublease with STAG is.

Jim Mraz stated that the City of Gloversville Common Council has been asked to modify the City's Zoning Ordinance to allow for this parking lot to be constructed. He stated the language in the current Ordinance does not allow for a parking lot to be constructed on a separate lot from the primary building that the parking lot would service. He stated the Gloversville Common Council is scheduled to approve an amendment to the Zoning Ordinance to allow this to occur at its July 10, 2012 meeting. He stated once this was completed, the IDA would then be in a position to execute a Lease with EPIMED if the IDA Board chose to do so.

IDA ACTION:

MOTION: To authorize the Chairman to execute a Lease Agreement with EPIMED to provide space for EPIMED to construct and pay for itself a new parking lot at either location shown on the map presented to the IDA Board, for the lease term to be the same as EPIMED's sublease with STAG, for the lease to be for the nominal sum of \$1 per year and for the lease to include a provision for it to terminate if the IDA wanted to sell the lot to a prospective business.

MADE BY: Fran Reed
SECONDED: Joseph Gillis
VOTE: Unanimous

C. M.H. Stallman Project:

1. Background:

- M.H. Stallman received approval from New York State to receive a \$5.0 million Industrial Revenue Bond allocation to the Fulton County Industrial Development Agency to help finance a project they were pursuing at the former Calloway Golf Ball Plant in the Crossroads Industrial Park.
- The former Calloway Golf Ball Plant was sold instead to Midwest Properties.
- M.H. Stallman has found a new location for its project in Montgomery County.

2. Request:

- M.H. Stallman still desires to utilize the \$5.0 million IRB allocation given to the Fulton County IDA.
- Empire State Development has advised M.H. Stallman and the Montgomery County IDA that in order to utilize the \$5.0 million allocation given to the Fulton County IDA, a letter must be sent by the Fulton County IDA advising that it does not object to the \$5.0 million bond allocation being used for a project in Montgomery County instead of Fulton County.

IDA DISCUSSION: There was a brief discussion regarding the request received from Montgomery County. It was the consensus of all present that this project is a good one for the region and that the IDA should work cooperatively with Montgomery County to try and get this company to locate within the region. Mike Reese stated that if the IDA does not itself use this \$5 million allocation of the State Bond Cap, New York State will, in all likelihood, step in and take the allocation back itself.

IDA ACTION:

MOTION: To authorize the Executive Director to send a letter to the Montgomery County Industrial Development Agency advising that the Fulton County Industrial Development Agency does not object to the \$5 million Bond allocation being used for a project in Montgomery County instead of Fulton County.

MADE BY: Joseph Semione
SECONDED: William Sullivan
VOTE: Unanimous

D. Uniform Tax Exemption Policy:

- IDA originally adopted a Uniform Tax Exemption Policy in 1994 and modified it in 1999.
- Executive Director has drafted a revised Policy for the IDA Board to review.
- Draft Policy under review by Kara Lais, IDA Attorney.
- Once legal review is complete, Governance Committee will be asked to meet to review Draft Policy.

VI. OTHER BUSINESS:

A. IDA's Mission Statement:

1. Current Mission Statement:

"To promote and develop the retention of existing and creation of new job opportunities and the expansion of local property tax base by acquiring, owning, developing, managing and selling land and buildings and providing financing and tax incentives as authorized by New York State."

2. Notice from Authority Budget Office (ABO):

- On June 7, 2012, the ABO notified the IDA by e-mail that the IDA's current Mission Statement does not adequately meet the criteria described in Policy Guidance 10-02 "Public Authority Mission Statements and Measurement Reports".
- The ABO has asked the IDA Board to reevaluate the current Mission Statement and develop a Mission Statement that better reflects the intent of the statutory requirement of 2821 of Public Authorities Law and the policy guidance provided by the ABO.
- Jim Mraz e-mailed the ABO and asked for the specific issues the ABO wanted the IDA to address.
- The ABO recommended that the IDA's Policy should better address two (2) items:
 - Who are the authority's stakeholders?
 - What are the values (i.e. philosophy and guiding principles) of the authority?
- The ABO recommended the IDA Board review the mission statements for the Greene, Livingston, Schuyler or Tompkins County IDA's:

1) Greene County IDA Mission Statement:

The Green County IDA focuses on developing "shovel ready" sites and existing historic locations with the goal of marketing to and attracting a diverse mix of business types and employment opportunities for local residents as well as needed new local property tax revenue. Targeted businesses are anticipated to be good corporate citizens, involved in the community and excellent employers offering outstanding benefit packages. Working in

partnership with the Greene County Office of Planning and Economic Development and the Greene County Chamber of Commerce under the banner of GreeneBusiness, we offer a variety of financial and incentive based tools and management flexibility to help foster success. The IDA works towards our goals in conjunction with local communities, federal, state and local governments, the business community and numerous regional partners with sound planning, sensitivity to the environment and the preservation of our quality of life. The Greene County IDA strives for success utilizing a positive economic development image and track record while settling the standard of Visionary Growth!

2) Livingston County IDA Mission Statement:

Our mission is to create and retain employment opportunities for the residents of Livingston County and generate tax revenues to support government services. This mission is accomplished through the financing, development, sponsorship, acquisition, construction and equipping of certain economic development projects. Through the fulfillment of the Agency's mission, the Agency expects to deliver employment, health, and general prosperity, economic welfare and needed services for the residents of Livingston County.

3) Schuyler County IDA Mission Statement:

The Schuyler County Industrial Development Agency was created to promote the prosperity of its residents through the creation of jobs (new and retained), recreational, and economic opportunities in Schuyler County. The Agency will achieve these goals through the use of various tax incentives provided by the Agency, which shall be proportional to jobs, economic activity projected, or opportunities provided to the citizens (stakeholders) of Schuyler County.

4) Tompkins County IDA Mission Statement:

The Tompkins County Industrial Development Agency helps companies and entrepreneurs to develop and maintain quality employment opportunities, to diversity the local economy, and to improve and strengthen the tax base and the quality of life in Tompkins County by offering economic incentives.

3. ABO's Policy Guidance:

- According to the ABO, the IDA's Mission Statement needs to meet the following criteria:
 - Clear and concise;
 - Consistent with the authority's enabling statute/articles of incorporation (but not simply a restatement of these documents); and
 - Addresses the following questions:
 - a. What is the public purpose for which the authority was created?
 - b. How can the authority best achieve that purpose?
 - c. Who are the authority's stakeholders?**
 - d. What are the authority's goals?

e. **What are the values (i.e. philosophy and guiding principles) of the authority?**

4. Deadline:

- The ABO has requested that a revised Mission Statement be submitted to them by October 1, 2012.

IDA DISCUSSION: Jim Mraz stated that once a revised Mission Statement is prepared, he would present it back to the IDA Board for their review and consideration.

B. Executive Session:

1. Background:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - i. matters which will imperil the public safety if disclosed;
 - ii. any matter which may disclose the identity of a law enforcement agent or informer;
 - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - iv. discussions regarding proposed, pending or current litigation;
 - v. collective negotiations pursuant to article fourteen of the civil service law;
 - vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - vii. the preparation, grading or administration of examinations;
 - viii. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss, **“the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.”**

MADE BY : Joseph Semione
SECOND : Fran Reed
VOTE : Unanimous
TIME : 10:00 a.m.

MOTION : To go out of Executive Session.
 MADE BY : Fran Reed
 SECOND : Arlene Sitterly
 VOTE : Unanimous
 TIME : 10:15 a.m.

VII. TRYON TECHNOLOGY PARK AND INCUBATOR CENTER PROJECT:

A. Agreement between IDA, NYS Office of General Services (NYSOGS) and Empire State Development (ESD):

- 1) Key Components:
 - Consideration for Sale: IDA's post closing obligation as well as the elimination of New York State's significant carrying costs is the consideration for the sale.
 - Property to be deeded:
 - 515+/- acres of land
 - 40+/- buildings and all building contents
 - Water and sewer lines
 - 2 sewer pump stations
 - Security fence/cameras
 - Access Road
 - Agreement must be signed by:
 1. Chairman, IDA
 2. RoAnn M. Destito, Commissioner, NYSOGS
 3. Empire State Development
 4. Tom DiNapoli, State Comptroller
 5. Eric T. Schneiderman, Attorney General

IDA ACTION:

MOTION: To authorize the Chairman to execute the Agreement with NYSOGS and ESD, subject to the final approval of the Agreement by the IDA Attorney and Executive Director.

MADE BY: Joseph Semione
 SECONDED: William Sullivan
 VOTE: Unanimous

VII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :